

Article 15
Business Development District

Z O N I N G O R D I N A N C E
T O W N o f B O W , N E W H A M P S H I R E

ADOPTED AND REVISED THROUGH MARCH, 2013

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ARTICLE 15. BUSINESS DEVELOPMENT DISTRICT

15.01 Statutory Authority

This Article is enacted by the Town of Bow pursuant to NH RSA 674:21, II, this innovative land use control ordinance shall provide for all approvals, including the granting of conditional or special use permits, by the Planning Board. Any decision made by the Planning Board under this innovative land use control ordinance may be appealed directly to New Hampshire Superior Court in the same manner provided by statute for appeals from the Planning Board, as set forth in RSA 676:5, III and RSA 677:15. A waiver process from particular requirements set forth in this ordinance may be employed by the Planning Board where the applicant demonstrates substantial compliance with the standards set forth in this ordinance, as well as the Bow Master Plan, and Section 15.03: "Purpose".

15.02 Intent

A. Zoning was first implemented as a technique for separating incompatible types of land development, thereby protecting low-intensity uses from the harmful or disagreeable impacts of high-intensity uses. However, conventional zoning may produce its own set of undesirable side effects.

B. As design and technology continually change in the marketplace, new types of land uses are proposed which cannot be easily assigned to existing zoning classifications. Unfortunately, desirable land developments may be denied, appealed to the Zoning Board of Adjustment (where demonstrating a hardship may be required), or subjected to lengthy rezoning procedures (requiring a town-wide ballot vote).

C. Performance standards measure the quantifiable "impacts" of each proposed development, rather than prohibiting certain classes of land use. Performance zoning offers an alternative method for implementing community goals as outlined in the Bow Master Plan, while offering property owners a means to optimize the use of their land.

15.03 Purpose

The purpose of the -A Business Development District Ordinance is:

A. To attract environmentally acceptable commercial, industrial, recreational, and institutional uses to the District;

B. To encourage diversity in the community tax base through appropriate flexibility in land use and land use development;

C. To optimize financial return on public infrastructure investments and expenditures,

including municipal sewer, municipal water supply, and public highways;

D. To minimize adverse traffic impacts on Route 3-A, future interstate highway interchanges, and surrounding local streets and roadways; and

E. To preserve valuable historical, cultural, and natural features within the District and to minimize adverse environmental impacts to water and air, while reducing light and noise pollution, flooding, clear cutting of vegetation, and the blocking of scenic views.

15.04 Location of District

The boundaries and extent of the Business Development District is as delineated and depicted on the map entitled, "Bow Business Development District", as drawn by the Central New Hampshire Regional Planning Commission, dated February 1, 2001, as amended.

15.05 Separability

Should any part of this Ordinance be held invalid or unconstitutional by a court, such holding shall not affect, impair, or invalidate any other part of this ordinance, and, to such end, all articles, sections, and provisions of this ordinance are declared to be severable.

15.06 Definitions

In addition to definitions included in other Articles of this Ordinance, the following definitions shall apply to this article:

Animated or Moving Sign: Any sign that has moving or rotating components, flashing lights, or special materials to illustrate action or create a special effect or scene.

Berm: A graded, landscaped mound of earth, generally three (3) to eight (8) feet in height as required by this ordinance, used to screen, shield, and buffer undesirable views and to separate incompatible land uses.

Caliper: The diameter of a tree trunk, measured 36 inches from the finish grade at the base of the trunk.

Canopy Eaveline or Eaveline Sign: The bottom of the roof eave or the canopy eave. An eave as defined herein does not include the parapet of a flat roof building.

Center Identification Sign: A freestanding sign that is either a monument or directory type.

Directory Sign: A separate structure supported from the sides. A sign for identification of the business or center as a whole and for listing the major tenants and their building numbers/address numbers.

Double - Faced Sign: A single freestanding structure designed with the intent of providing advertising on both sides.

Easement Deed: A legally binding document that provides the grantee with specific entitlements related to the use and enjoyment of the grantor's property.

Height of Sign: The greatest vertical distance measured from the finished ground below the middle of the sign to the highest element of the sign.

Identification Sign: A sign that illustrates the name, name and logo, type of business, or identifies a particular establishment.

Illuminated Sign: A sign lit with either an internal or external artificial light source.

Incentive Bonus: Provisions of this Ordinance that provide potentially advantageous land use arrangements to individuals as compensation for voluntarily utilizing their property(s) in a preferred, but not required, manner.

Landscape Strip: An area of a site where lawns, trees, shrubs, ornamental plants and other natural materials, such as rock and wood chip, and decorative features, including sculptures, fountains, and pools have been installed.

Loading / Receiving Area: A portion of a structure that is reserved for the primary purpose of providing structure access for the arrival and dispersal of goods and products transported by truck or rail.

Local Roads and Streets: All highways classified as Class IV or V under RSA 229:5.

Material Storage Area: Any portion of a site routinely used for the outdoor storage of any products, goods, or raw materials.

Monument Sign: A separate structure supported from grade to the bottom of the sign with a base or wall that is larger than the sign. A sign for identification of the business or center as a whole and for listing the major tenants and their building numbers/address numbers.

Multi-Tenant Commercial / Industrial Structure: Any commercial, industrial, or office building containing more than one (1) business.

Multi-Use Path: A trail or pathway that supports a variety of simultaneous uses in accordance with municipal ordinances and regulations and/or landowner permission.

Municipal Sewer: An operational system constructed and maintained for the collection and renovation of normal or typical waste water flows, which is either owned and maintained by a municipality or a public utility company licensed by the Public Utilities Commission of the State of New Hampshire.

Municipal Water: An operational system constructed and maintained for the purpose of distribution of potable water for general use, which is either owned and maintained by a municipality or a public utility company licensed by the Public Utilities Commission of the State of New Hampshire.

Noise: Any sound produced by any unnatural or human activity.

Non-conforming Sign: A legally established sign that fails to conform to the regulations as presented or referenced herein.

Nuisance Odor: An odor that constitutes a nuisance.

Open Space: A portion of a lot, free of man-made structures, which is dominated by natural materials, including woods and lawn, and is free and open to the sky.

Ornamental: A deciduous tree planted primarily for its ornamental value or for screening purposes; tends to be smaller at maturity than a shade tree.

Performance Zoning, Performance Zoning Standards: The specific provisions, standards, or criteria included in this Ordinance, which have been created for the purpose of accomplishing the stated intent of the Ordinance or any portion thereof.

Roof Sign: A sign that is mounted on a roof of a building or that is wholly dependent upon a building for support and that projects above the top walk or edge of a building with a flat roof, the eaveline of a building with a gambrel, gable, hip, or mansard roof.

Shared Access Drive: A common access point to Route 3-A or any town road providing access to two (2) or more properties.

Shrub: A woody plant, smaller than a tree, consisting of several small stems from the ground or small branches near the ground; may be deciduous or evergreen.

Sign Area: The entire face, including the surface and any molding, framing, and projections, but not including the base, wall, or column supports. Individual letters and logos mounted on a building shall be measured by the area enclosed by four (4) straight lines outlining each word and logo.

15.07 Permitted Uses

All land uses, or combinations thereof, enumerated in Article 5: "Use Regulations" are permitted within the Route 3-A Business Development District, subject to review for suitability by the Planning Board. Prior to any Planning Board approval of a proposed use, the applicant must demonstrate that the proposed use will meet all of the performance standards established in the following sections as well as the Subdivision and Site Plan Review Regulation(s).

15.08 Dimensional Requirements

In order to accomplish the stated intent and purpose of this ordinance, as well as the goals and objectives outlined within the Bow Master Plan and Town of Bow Economic Development Strategy, February 2000, the following dimensional requirements are enacted:

Figure 15-1: Table of Baseline Dimensional Requirements*

For Properties Fronting On:	Minimum Lot Area (Acres)	Minimum Lot Frontage (Feet)	Max Building Height (Feet) (i)	Minimum Front Setback (f)	Minimum Side Setback (f)	Minimum Rear Setback (f)	Maximum Impervious Coverage
Route 3-A (<i>with Municipal Water & Sewer</i>)	3	300	55	1:1	1:.75	1:.75	80% of Gross Lot Area
Route 3-A (<i>without Municipal Water and/or Sewer</i>)	3	300	35	1:1	1:.75	1:.75	60% of Gross Lot Area
Local Roads (<i>with Municipal Water & Sewer</i>)	2	100	55	1:1	1:.75	1:.75	80% of Gross Lot Area
Local Roads (<i>without Municipal Water and/or Sewer</i>)	2	150	35	1:1	1:.75	1:.75	60% of Gross Lot Area

***Notes:**

- (a) No building or structure may be located within Town or NHDOT right-of-way.
- (b) Front, side, and rear setbacks shall be increased when necessary to accommodate buffering and landscape strip requirements.
- (c) No building or structure shall be erected, enlarged, altered, or relocated, nor shall any existing lot size be changed or new lot created within the Business Development District, except in accordance with Table 15-1, or as otherwise stated within this ordinance.
- (d) Lots with frontage on both Route 3-A and a local road shall be accessed from the local road.
- (e) All lots requiring on site sewer systems shall meet NH Department of Environmental Services (NHDES) lot sizing criteria.
- (f) All setback ratios are calculated as a ratio of one (1) foot in building height to one (1) foot, or multiple or portion thereof, of required setback.
- (g) Parking lots, outdoor storage, and refuse areas shall be a minimum of 10 feet from side and rear property lines. Parking, internal circulation, storage, and refuse areas are not permitted in front setbacks.
- (h) Shared access drives shall mean common access points to Route 3-A or any town road providing access to two (2) or more properties.
- (i) Building height for calculation of setback ratios shall be determined as stipulated in Article 3 of the Bow Zoning Ordinance.

A. Dimension Incentive Bonuses

In recognition of the need to protect the overall integrity and character of the Business Development District, as well as to promote the development of a system of local roads and utilities for properly servicing properties within the Business Development District, the performance zoning standards presented in Table of Baseline Dimensional Requirements (Figure 15-1) have been formulated so as to include Incentive Bonus

Standards.

These Incentive Bonus Standards have been created as means for rewarding those who choose to voluntarily develop their properties in a way that is most compatible with the stated goals and objectives of the Bow Master Plan and Town of Bow Economic Development Strategy, February 2000.

The sum of dimensional incentive bonuses shall not exceed the limits contained within the Table of Dimensional Requirement Incentive Bonus Limits (Figure 15-5). Incentive bonus standards that are implicit in these performance-zoning standards include:

1. Front Structure Setback

a. In recognition of the need to protect the aesthetic qualities of the Business Development District, while still maintaining appreciation for the needs of all potential users, an incentive bonus standard has been developed wherein front structure setback requirements may be relaxed for those who choose to develop sites utilizing one of the following options:

i. Placement of all parking and circulation pavements to the side and rear of proposed buildings (see figure 15-2 for example).

ii. Provision of shared access drives and parking.

iii. Development of a landscaped berm within the front setback area, with a height no less than 8 feet (see figure 15-3 for example).

b. Those who choose to take advantage of this Incentive Bonus Standard may reduce their required front structure setback by fifty percent (50%) of that otherwise required within this District, subject to the minimum front structure setback dimension. In effect, use of this Incentive Bonus Standard expands the envelope of available building area on any given site.

Figure 15-2: Example site plan with reduction of front setback by employing incentive bonus to locate parking to side and rear of proposed structure.

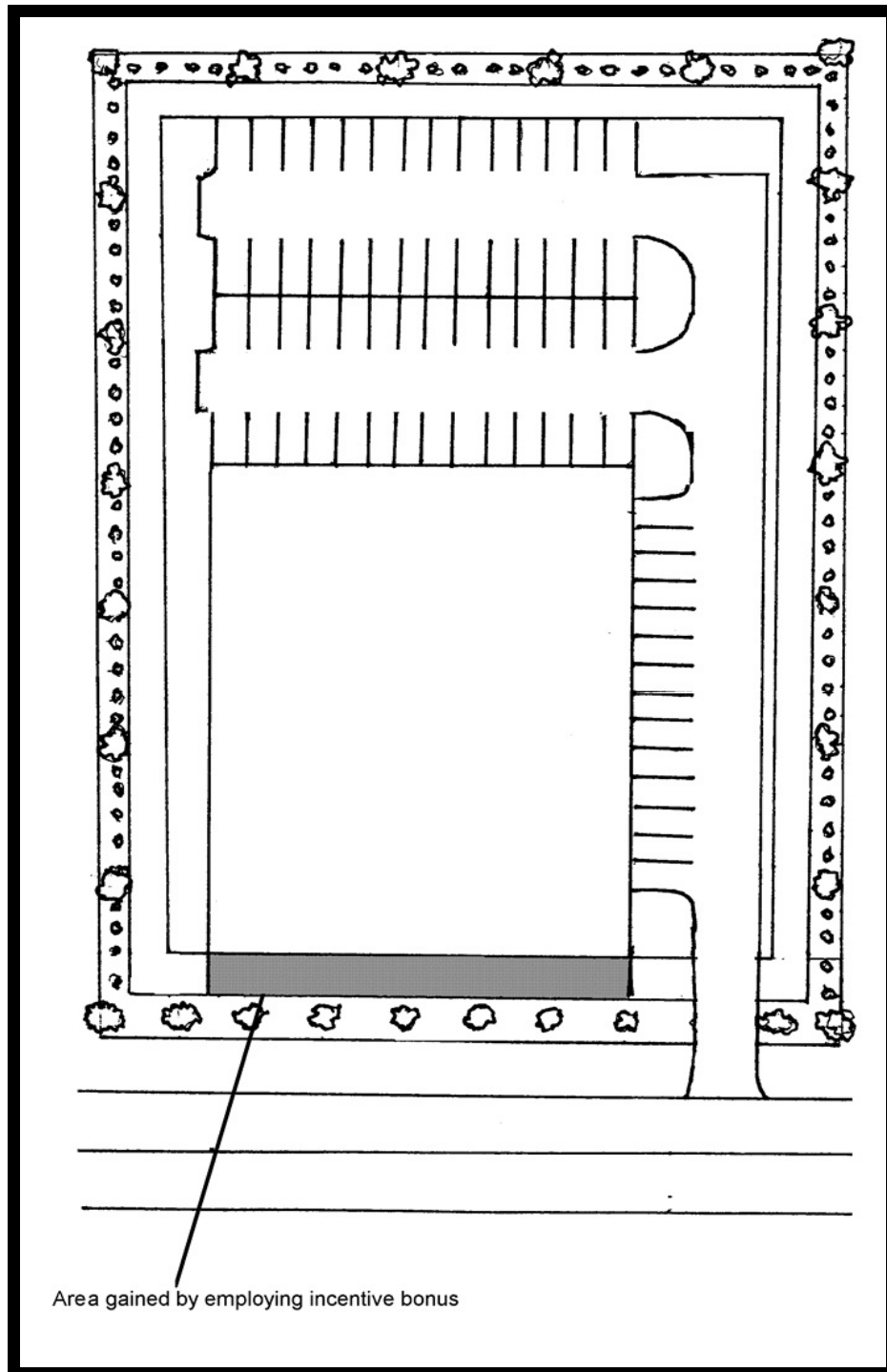
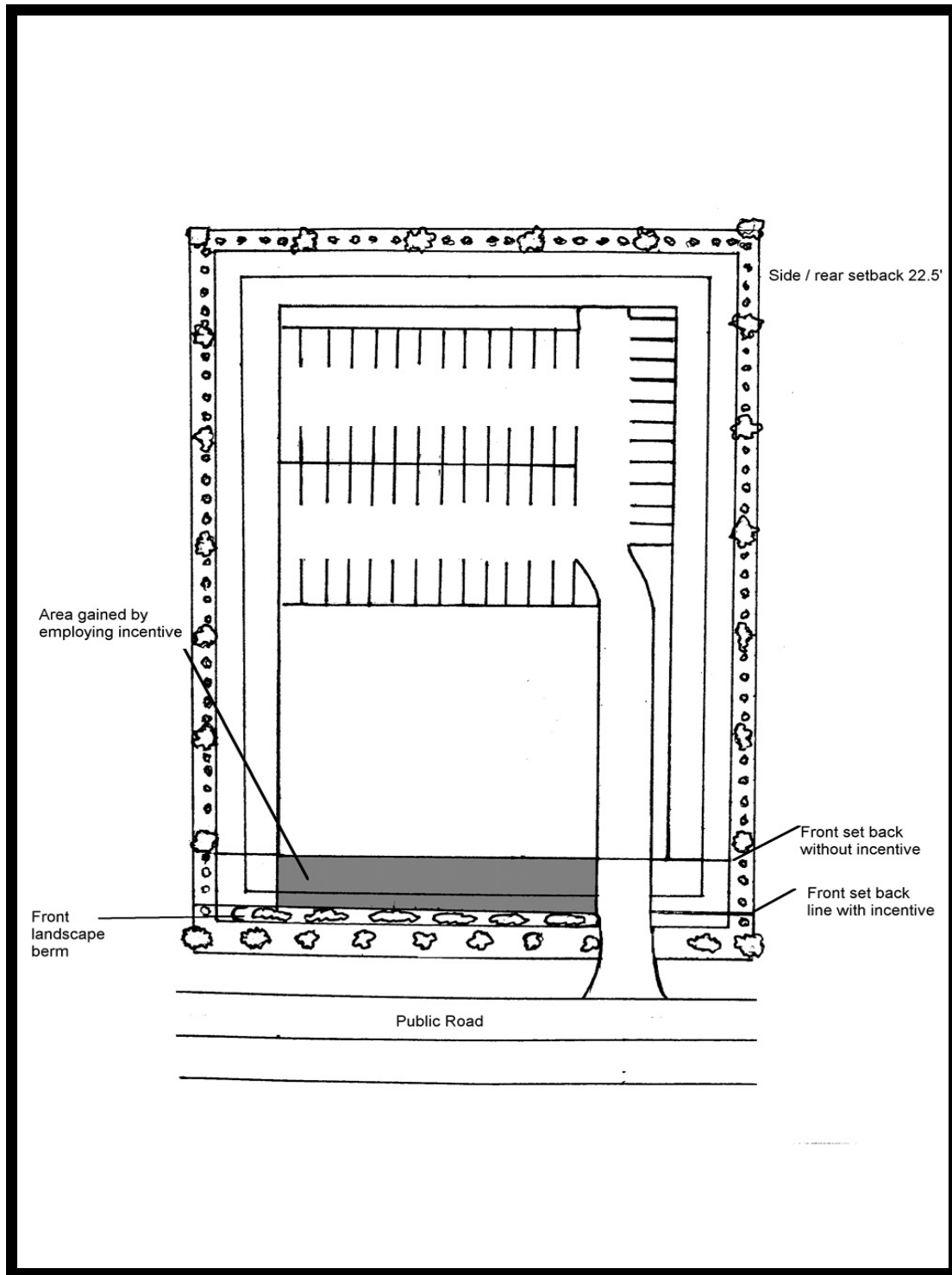


Figure 15-3: Example site plan with reduction of front setback by employing incentive to construct 8' landscaped berm



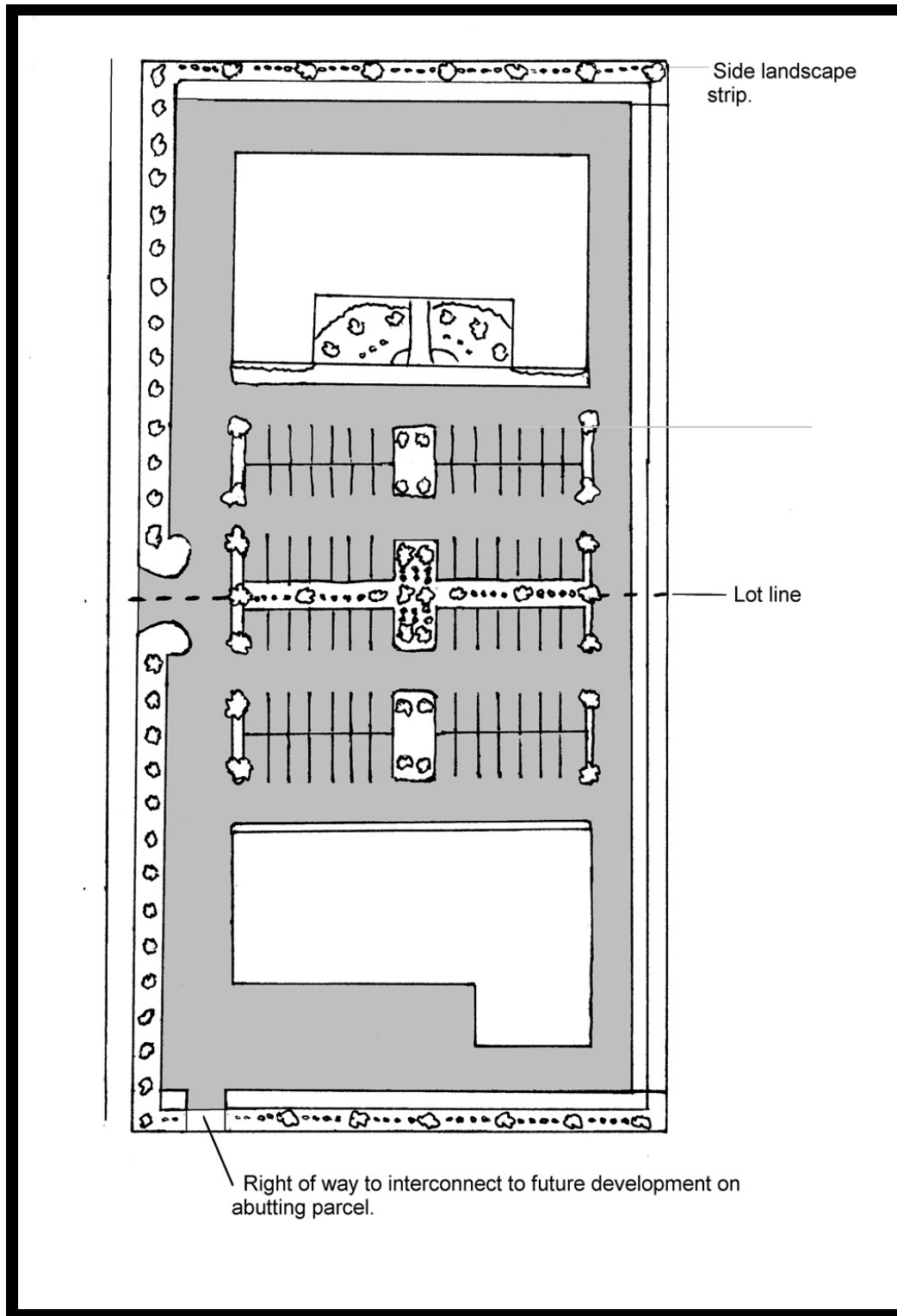
2. Maximum Height

- a. In recognition of the need to protect the aesthetic qualities of the Route 3-A Business Development District, while still maintaining appreciation for the needs of all potential users, an incentive bonus standard has been developed wherein Maximum Height may be increased for those who choose to develop sites with lot areas greater than the minimum required lot area.
- b. For site plans with lots sizes greater than the minimum required acreage, the height of structures may be increased 10 feet per additional acre of lot size, or portion thereof, above and beyond maximum heights offered by employing other incentive bonuses, up to a maximum of one hundred (100) feet.

3. Maximum Impervious Coverage

- a. In recognition of the need to protect the aesthetic qualities of the Route 3-A Business Development District, while still maintaining appreciation for the needs of all potential users, an incentive bonus standard has been developed wherein Maximum Impervious Coverage may be increased for those who choose to develop sites utilizing one of the following options:
 - i. Placement of all parking and circulation pavements to the side and rear of proposed buildings.
 - ii. Provision of shared access drives and parking (see figure 15-4 for example).
- b. Those who choose to take advantage of this Incentive Bonus Standard may increase their allowable maximum impervious coverage up to 80% of the gross lot area, provided all landscape strips, parking lot landscape requirements, and other screening is provided as required by this ordinance.

Figure 15-4: Example site plan with Incentive bonus of Share Parking and Access Employed to increase maximum impervious surface to 80%



4. Donation of Off-site Land to Reduce Minimum Lot Area

- a. In recognition that less restrictive minimum lot area for lots within the Business Development District can promote favorable development along this corridor, the following provision is created.
- b. The intent of this incentive is to provide for smaller lots than as required by the standards of this ordinance when deemed appropriate and not contrary to the public interest by the Planning Board. This incentive can only be used for one lot per proposed subdivision. This shall include proposed future re-subdivisions.
- c. The minimum lot area shown in Table of Base Line Dimensional Requirements (Figure 15-1) may be reduced if all the following criteria are met:
 - i. A parcel of land, with an area greater than or equal to the difference between the minimum required lot area from Table of Dimensional Baseline Requirements (Figure 15-1) and the proposed lot area, is deeded in fee simple to the Town of Bow or a nonprofit organization acceptable to the Bow Board of Selectmen.
 - ii. Those utilizing this Performance Standard must offer any land within the Town of Bow, which is not to be retained by the applicant, to the Bow Board of Selectmen. In considering any such offer, the Board of Selectmen may elect to: accept the land for town ownership and use; reject the offer; or defer ownership to a third party, nonprofit organization of their selection. In addition, the Board of Selectmen shall seek review and comment regarding the offer from the Bow Conservation Commission.
 - iii. The land being offered must meet the following criteria:
 - a. The parcel(s) must be sufficiently accessible.
 - b. The parcel(s) must have a permanent public recreation, conservation, open space, or historic preservation use, or any other public use deemed acceptable and appropriate by the Planning Board and Board of Selectmen.
 - c. Each parcel to be deeded must be ½ acre or larger, as deemed appropriate by the Planning Board and Board of Selectmen.
 - iv. The parcel to be created by the applicant shall meet applicable NHDES lot sizing criteria if public sewers are not available at the time of

subdivision.

- d. Any parcel created under this Performance Standard shall have a total area of not less than one and one half (1.5) acres for lots with frontage along Route 3-A and one (1) acre for lots with frontage along local roads.

Figure 15-5: Table of Dimensional Requirement Incentive Bonus Limits*

	Front Structure Setback (1)	Maximum Height (2)	Maximum Impervious Coverage	Minimum Lot Area	Notes
Placement of parking and circulation pavements to the side and rear of proposed buildings	Reduce to ratio of 1' : .5'	Increase maximum height to 75' for properties with municipal water and/or sewer, or 55' for properties without municipal water and/or sewer	May increase up to 80% of Gross Lot Area, provided landscape requirements for front, side, and rear yards, as well as parking areas can be satisfied.		Applicants are limited to only one (1) bonus per incentive
Shared Access Drives and Parking	Reduce to ratio of 1' : .5'	Increase maximum height to 75' for properties with municipal water and/or sewer, or 55' for properties without municipal water and/or sewer	May increase up to 80% of Gross Lot Area, provided landscape requirements for front, side, and rear yards, as well as parking areas can be satisfied.		Applicants are limited to only one (1) bonus per incentive
Development of a Landscaped Berm within the Front Structure Setback Area to a Height of 8 feet.	Reduce to ratio of 1' : .5'				Applicants are limited to only one (1) bonus per incentive
Donation of Off-Site Parcel(s)				Reduce minimum lot area to 1.5 acres on Route 3-A, or 1 acre on local roads	Applicants are limited to only one (1) bonus per incentive
Lots With Area Greater than Minimum Lot Size		Maximum height may be increased beyond other incentives by 10' per additional acre of lot size, or portion thereof.			Applicants are limited to only one (1) bonus per incentive

***Notes:**

- All setback ratios are calculated as a ratio of one (1) foot in building height to one (1) foot, or multiple or portion thereof, of required setback.
- Building height for calculation of setback ratios shall be determined as stipulated in Article 3 of the Bow Zoning Ordinance.
- Gray cells in table indicate not a bonus for selected incentive.

15.09 Minimum Landscaping and Screening Performance Standards

A. Intent

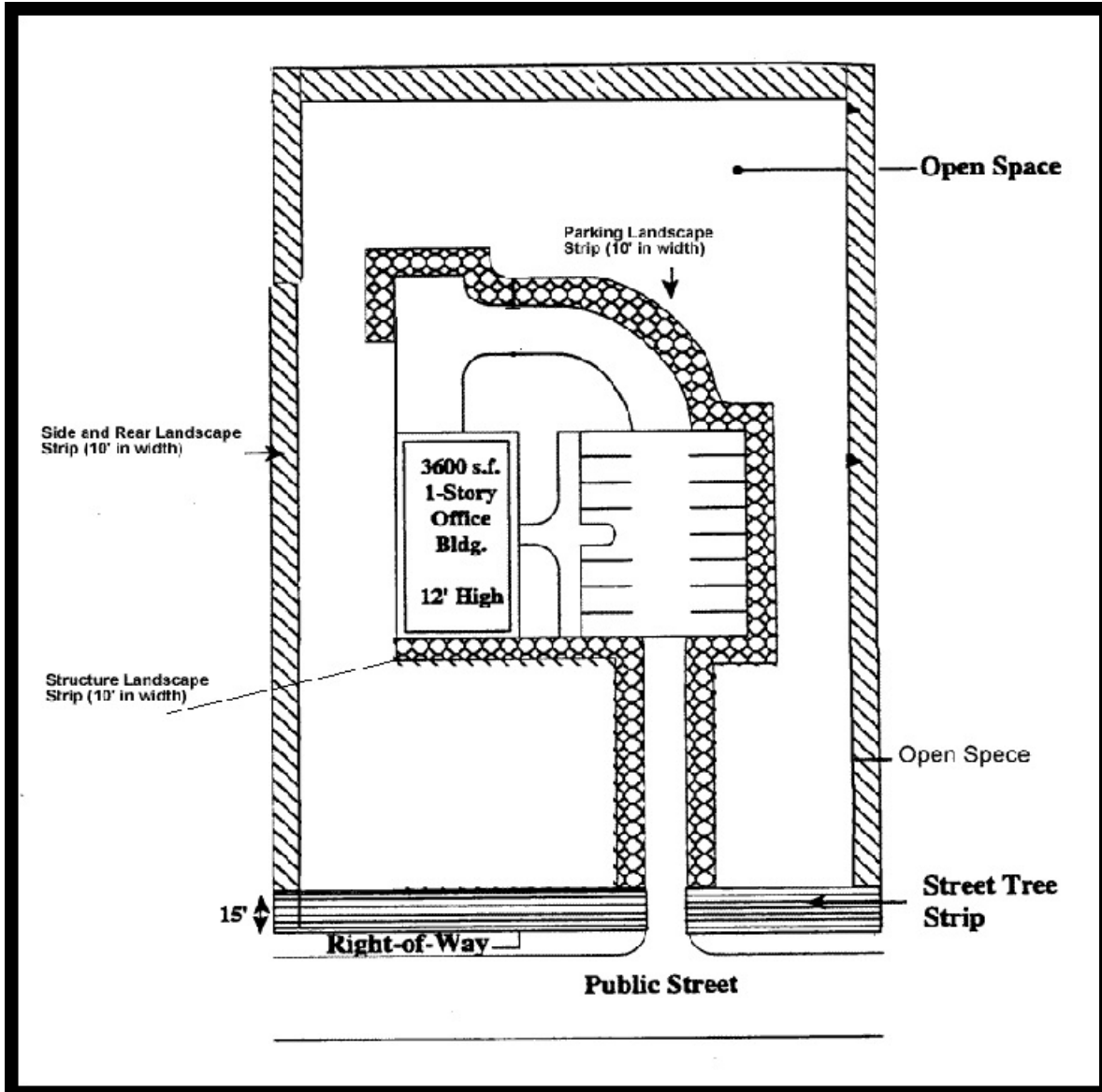
To preserve and enhance the aesthetic qualities of the Business Development District by establishing landscaping and design standards, which are proportionate to the intensity of proposed land use(s). Through the enactment of these design standards and incentive bonuses, the following objectives can be accomplished:

1. Diminish adverse impacts of structures, lighting glare, noise, wind, and odors, which may result from permitting widely varying land uses on adjacent parcels;
2. Ensure that each tract of land has an adequate buffer from other properties in order to preserve property values and improve aesthetic values of properties;
3. Promote aesthetically pleasing development, consistent with the character of the Town;
4. Promote an aesthetically pleasing relationship of scale between buildings and their natural surroundings;
5. Redefine the character, image, and identity of the Business Development District by promoting an attractive and maintained streetscape through landscaping and native plantings, installation of underground utilities, and designing of monument or pedestal signage as opposed to pole signage;
6. To achieve an attractive presentation such that office, retail, and other customer oriented businesses are visible from public streets;
7. To achieve an attractive presentation of distribution and warehouse uses and manufacturing or other heavy industrial uses by screening the less attractive portions of the development; and,
8. To achieve an attractive presentation by essentially hiding outside storage and equipment operations from view from streets and other uses.

B. Location of Landscaping

Landscaping shall be installed in the following locations in accordance with Figure 15-6 to the standards noted, unless specifically waived by the Planning Board:

FIGURE 15-6: Location of Landscape Strips



C. Open Space

All areas disturbed by construction shall be covered with a minimum thickness of four inches (4") of loam and be subsequently planted with grass seed, sod, or other vegetative ground cover in accordance with an erosion and sedimentation stabilization plan acceptable to the Planning Board.

D. Street Side Structure Landscape Strip

Landscaping shall be provided along the perimeter of all structures with a foot print

greater than 50 square feet in size visible from the public right of way. The Planning Board shall approve planting materials and densities. Minimum width of said strip shall be five (5) feet or two (2) feet beyond the sidewalk along the structure.

E. Street Landscape Area

1. Intent: The Street Landscape Area is intended to promote the aesthetic quality of landscaped front yards within this District.
2. Location: The Street Landscape Area shall be the area between any public right-of-way and structures, parking areas, and other improvements along the entire length of said right-of-way, excepting areas reserved for approved curb cuts.
 - a. Where easements for future street widening(s) are conveyed, the Street Landscape Area shall be planted along the inside of any such easement line.
 - b. Street trees shall be planted within the Street Tree Strip to permit adequate sight distance for access onto Route 3-A or any town road. Street trees shall be planted a minimum of twenty-five feet (25') from each side of the pavement edge of the access drive.
3. Plantings: The "high" standard for the Street Landscape Area shall be planted with a minimum of 1 native shade tree for every twenty-five feet (25') of right-of-way frontage. Native shade trees shall be suitable for the soils and growing conditions of the site. The size of the trees to be planted within this area shall be a minimum of two and a half inches (2 ½") in caliper at the time of planting. Branching height of Street Trees shall not be less than seven feet (7') above grade when planted.

The "medium" standard for the Street Landscape Area shall contain a minimum of 1 native shade tree for every fifty feet (50') of frontage.

The "low" standard for the Street Landscape Area shall contain a minimum of 2 native shade trees within the Area.

Where overhead utility lines restrict the allowable height of plantings, alternative tree specifications (including evergreens and fruit trees) may be substituted by a waiver from the Planning Board.

4. Incentive Bonuses: Each healthy native hardwood tree with a caliper of three inches (3") or greater, which is preserved within the Street Landscape Area, may be substituted for one (1) required new Street Tree planting. Appropriate native hardwood tree types are elm, maple, chestnut, and ash.

F. Side and Rear Landscape Strips

1. Intent: The Side and Rear Landscape Strips are intended to promote proper visual separation and adequate buffering between adjoining properties. Parking, drives, and buildings shall not be located within any required Side and Rear Landscape Strip.
2. Location: Required Side and Rear Landscape Strips shall begin at the inner limits of the Street Landscape Area and run parallel to side and rear property lines. The required minimum width of these Side and Rear Landscape Strips shall be ten (10) feet.

Where proposed shared parking or access points are proposed, side and rear landscape requirements along common boundaries may be waived.

3. Plantings: The “high” standard for the Required Side and Rear Landscape Strips shall be constructed so as to provide a dense visual four season screen by using one or a combination of any of the Landscape Options provided in the following Table of Side and Rear Landscape Options, Figure 15-8A.

The “medium” standard for the Required Side and Rear Landscape Strips shall be constructed so as to provide a moderately dense four season screen by using one or a combination of any of the Landscape Options provided in the following Table of Side and Rear Landscape Options, Figure 15-8B.

The “low” standard for the Required Side and Rear Landscape Strips shall be constructed so as to meet the requirements of 15.09 C. Open Space. Trees and shrubs are encouraged, but not required.

4. Incentive Bonuses: Healthy woodland provides for a dense landscape screen more effectively than new plants. Healthy existing woodland may be retained in order to fulfill planting requirements within Side and Rear Landscape Strips. The minimum width of woodland retained for the purpose of fulfilling Side and Rear Landscape Strips shall be equal to the width of the setback ratio as calculated by building height in Figure 15-1. However, in no case shall the required width of retained woodland be less than thirty feet (30').

Figure 15-7: Example site plan with preservation of existing woodland to fulfill partial side and rear landscaping requirements

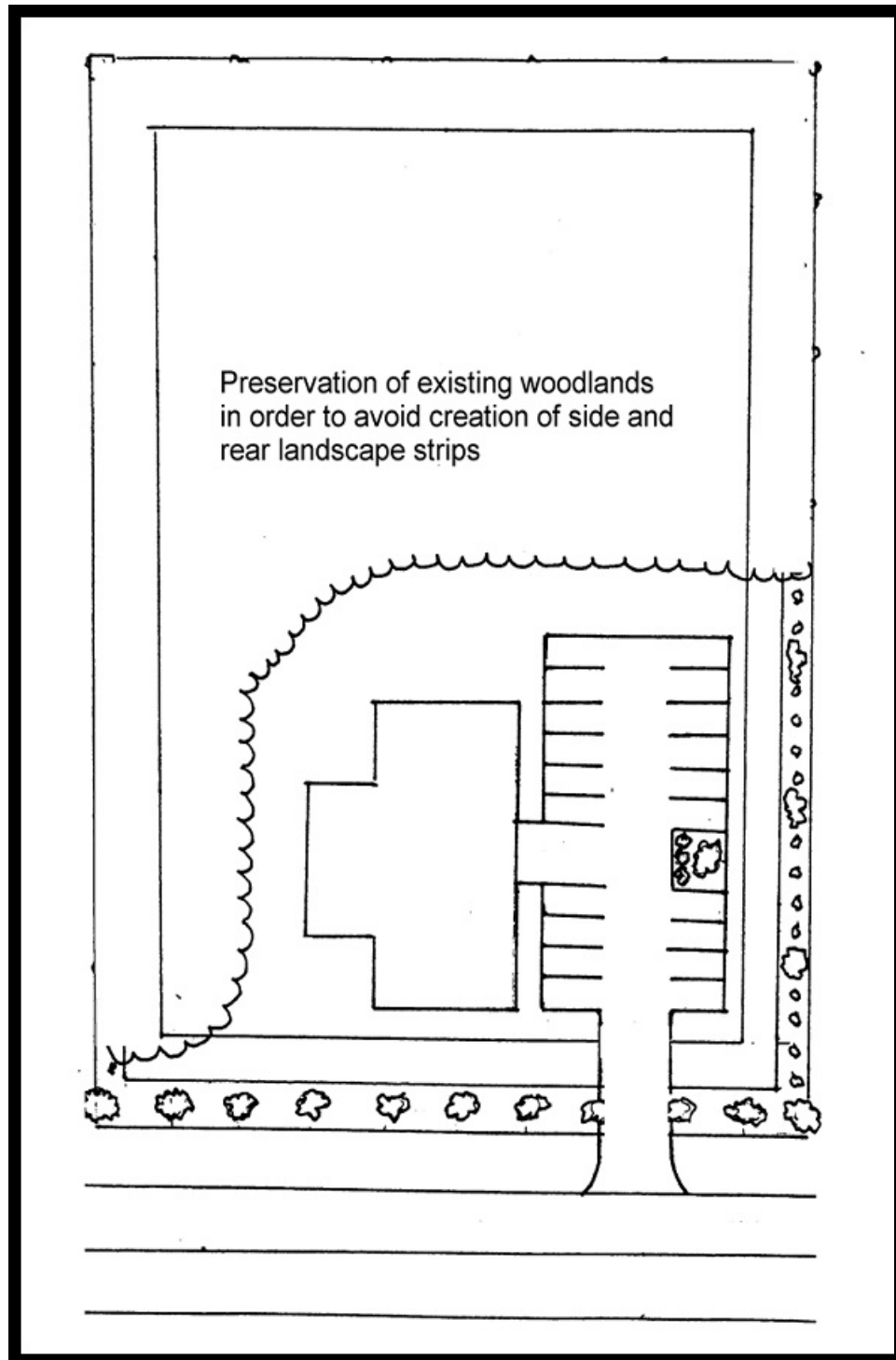


Figure 15-8A Landscaping Options for Side and Rear Setbacks (High Standard)

Landscape options	Number of Required Trees (measured along the centerline of side & rear property lines)	Number of Required Shrubs (measured along the centerline of side & rear property lines)	Minimum Height of Trees at Planting	Required Size of Shrubs at Planting	Minimum Separation of Plantings (2)		
					Trees	Ornamentals	Shrubs
Dense Vegetated Screen	1 Tree + 1 additional tree per every 50 feet. 40% shall be Deciduous, 60% shall be Evergreen	1 Shrub + 1 additional shrub per every 10 feet. 40% shall be Deciduous, 60% shall be Evergreen	One-half of proposed building height	Minimum of 6' in height	25 feet O.C.	Not Applicable	8 Feet O.C.
Trees and Shrubs with a berm	1 Tree + 1 additional tree per every 50 feet	1 Shrub + 1 additional shrub per every 10 feet	One-half of proposed building height	Varies. The height of berm with shrubs shall be a minimum of 8'	25 feet O.C.	Not Applicable	5 Feet O.C.
Trees with a 6' high Wall / Fence	1 Ornamental + 1 additional ornamental per every 25 feet	Not Applicable	One-half of proposed building height	Not Applicable	Not Applicable	15 Feet O.C.	Not Applicable

NOTE 1: o.c. is abbreviation for on center

(2) Depending on circumstances and design, the applicant and Planning Board may agree to cluster plantings.

Figure 15-8B Landscaping Options for Side and Rear Setbacks (Medium Standard)

Landscape options	Number of Required Trees (measured along the centerline of side & rear property lines)	Number of Required Shrubs (measured along the centerline of side & rear property lines)	Minimum Height of Trees at Planting	Required Size of Shrubs at Planting	Minimum Separation of Plantings (2)		
					Trees	Ornamentals	Shrubs
Dense Vegetated Screen	1 Tree + 1 additional tree per every 100 feet. 40% shall be Deciduous, 60% shall be Evergreen	1 Shrub + 1 additional shrub per every 20 feet. 40% shall be Deciduous, 60% shall be Evergreen	One-half of proposed building height	Minimum of 6' in height	25 feet O.C.	Not Applicable	8 Feet O.C.
Trees and Shrubs with a berm	1 Tree + 1 additional tree per every 200 feet	1 Shrub + 1 additional shrub per every 20 feet	One-half of proposed building height	Varies. The height of berm with shrubs shall be a minimum of 8'	25 feet O.C.	Not Applicable	5 Feet O.C.
Trees with a 6' high Wall / Fence	1 Ornamental + 1 additional ornamental per every 50 feet	Not Applicable	One-half of proposed building height	Not Applicable	Not Applicable	15 Feet O.C.	Not Applicable

NOTE 1: o.c. is abbreviation for on center

(2) Depending on circumstances and design, the applicant and Planning Board may agree to cluster plantings.

G. All landscaping shall be properly maintained and any dead or diseased material shall be removed and replaced with material meeting the requirements of this section. The Planning Board shall require submission of a landscaping bond in an amount sufficient to ensure compliance with this section.

15.10 Exterior Building Facade Performance Standards.

The following standards shall apply to all new buildings, or additions to existing buildings, in the Business Development District.

A. No exterior building surface visible from a public right-of-way or abutting residential property shall be constructed of any material except face brick, stone, stucco, architecturally treated concrete, cast in place or precast panels, decorative block, glass, clapboards, vinyl siding, metal or a combination thereof. As shown on the Reference Table for BUSINESS DEVELOPMENT DISTRICT Guide to Aesthetic and Architectural Standards in Ordinance, Metal may be used on a maximum percentage of the exterior building surface visible from the street. The maximum percentage may be exceeded where the Planning Board approves additional texture, color, and/or architectural features proposed by the applicant.

B. Subtle, neutral colors shall be used on larger and plain buildings, such as warehouse style or "big box retail centers". Paint colors shall relate to natural material colors found on buildings such as brick, stucco, terra cotta, stone, or ceramic tile and existing elements such as signs or awnings. Contrasting colors, and accent architectural details, are encouraged.

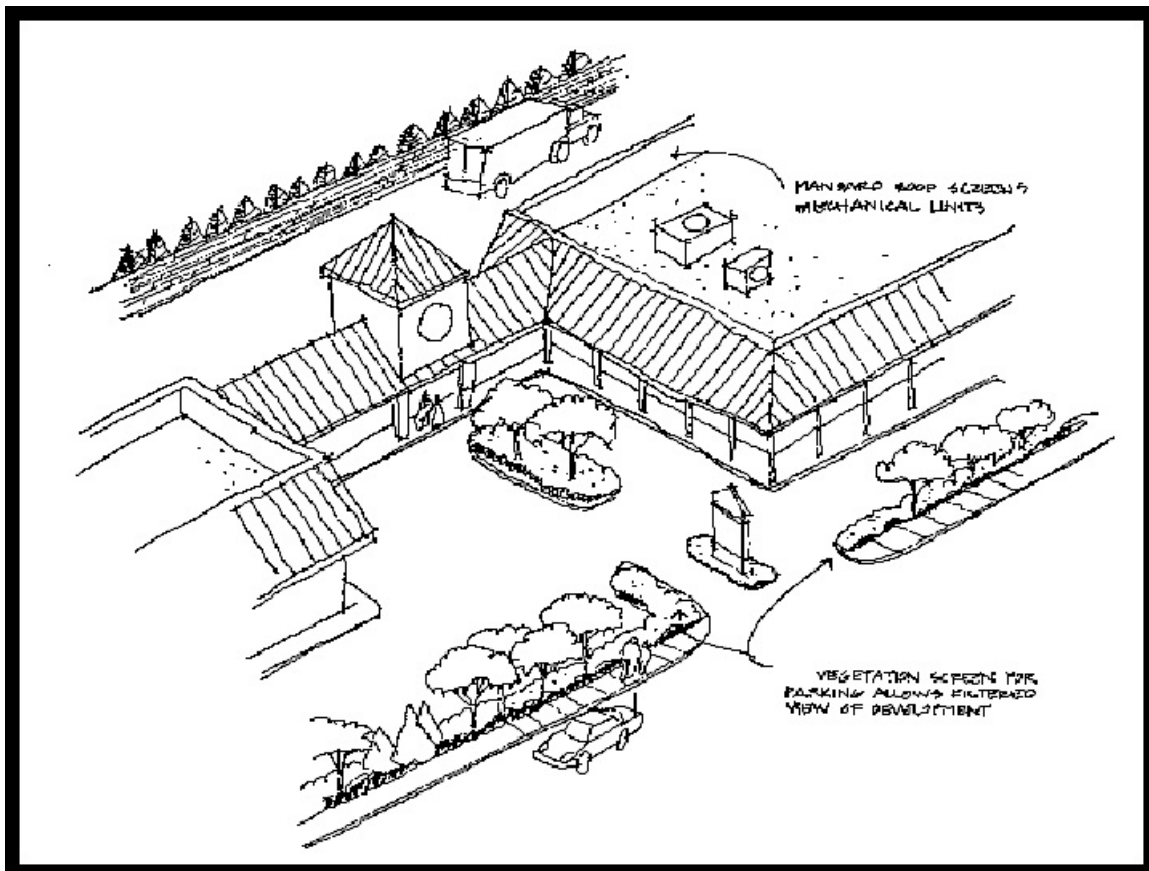
C. Buildings shall relate vertical, horizontal, or non-directional facade characteristics of new buildings to the predominant direction expression of nearby buildings (within 200') constructed under these standards.

D. Roof form is an important visual element and can have a significant impact on a building's form and silhouette. New roof forms shall relate to the roof forms of adjacent structures where appropriate, by duplicating the shape, pitch, and materials. A pitched roof shall be provided for structures with a building footprint of 5,000 square feet or less in order to have new development better fit with the rural and residential character of the community. Common roof forms shall be duplicated on the primary structures within a development whenever possible. For structures with a foot print larger than 5,000 square feet, flat roofs shall be permitted, provided that mansard roof details, as noted in Figure 15-10 are provided. Please refer to Figure 15-9 and 15-10 for more detail.

Figure 15-9: Common Roof Form Graphic



Figure 15-10: Mansard Roof Requirement for Structures with footprints of 5,000 square feet and Larger



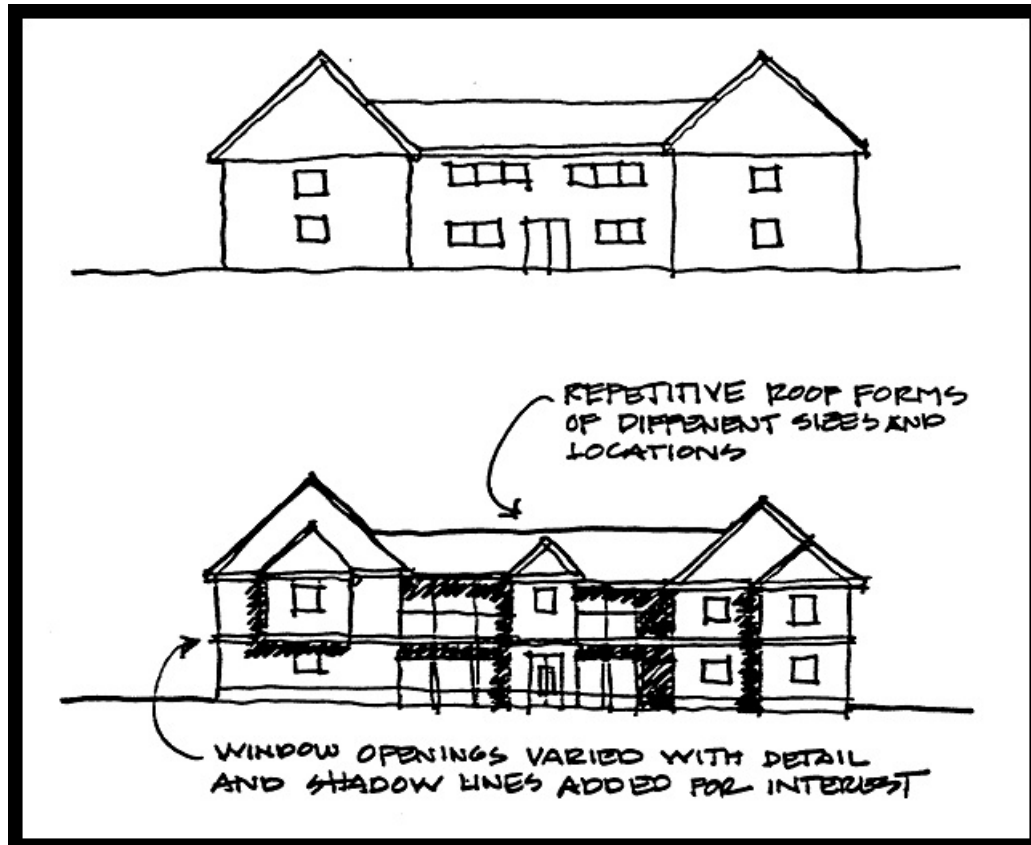
E. To ensure the development of commercial and industrial structures which are consistent with, and improve the architectural character of the Town of Bow, varied offsets, roof heights and forms, and window placement shall be incorporated into all

new structures, or additions to existing structures required to meet the “high” standard.

Under the “medium” standard, structures that are visible from a public right-of-way or abutting residential property, shall be required to provide varied offsets, roof heights and forms, and window placement.

Please refer to Figure 15-11 for more details.

Figure 15-11: Varied Offsets, Roof Heights, and Window Graphic



F. All rooftop mechanical equipment shall be screened from view with either building walls or roof forms. All sides visible to the public and abutters shall have screen materials. Screening materials shall be the same material as used for building cladding. See Figure 15-10 for more detail.

15.11 Screening Performance Requirements

A. Ground Level Mechanical Equipment

To meet the “high” standard, all ground level view of all mechanical equipment with a

foot print of fifty (50) square feet or greater shall be fully screened from abutting properties and adjacent streets.

To meet the “medium” standard, such mechanical equipment shall be fully screened from abutting residential properties, customer oriented properties, and adjacent streets.

To meet the “low” standard, such mechanical equipment shall be fully screened from adjacent streets. To qualify for the “low” standard, a property cannot abut residential property or a property required to meet the “high” standard. Screening may be accomplished by architecturally integrating the equipment into the principal structure or by surrounding it with opaque materials compatible with the principal structure. Screening materials shall be designed for low maintenance and long life and shall be kept in a state of good repair. Signs shall not be used for the purpose of screening mechanical equipment.

Landscape Plantings, in lieu of man-made enclosures architecturally consistent with the principal structure on the site, can be employed to screen mechanical equipment. Screening shall consist of one (1) evergreen tree or shrub per 10 linear feet of required screen length or perimeter. The height of required trees or shrubs shall be equal to one-half ($\frac{1}{2}$) of the maximum height of the item requiring the screen at the time of planting. Required plantings shall be placed at regular intervals so as to maximize the overall density of the landscape screen.

B. Exterior Storage Screening

All materials and equipment shall be stored within a building or fully screened so as not to be visible from adjoining properties. No exterior storage shall be visible from any street. Exterior storage areas shall be screened for the entire height and width of aggregate storage area on all sides by opaque materials architecturally compatible with the principal structure. Screens shall be constructed of materials designed for low maintenance and long life.

C. Refuse Storage Areas

All waste material shall be kept in an enclosed building or properly enclosed building or properly contained in a closed container designed for such purposes. The owner shall be responsible for keeping such land free of refuse. All exterior trash containers shall be screened so as to not be visible from any street, abutting residential property, or customer oriented property. Screening shall be by means of an opaque structure, earthen berm, or landscaping at least eight (8) feet in height and shall be architecturally compatible with the principal structure.

15.12 Parking Performance Requirements

The following standards shall apply unless waived by the Board:

A. Off-street Parking Requirements

Sufficient off-street parking, as required by the Article 9 of Zoning Ordinance, as well as the Town of Bow Site Plan Review Regulations, shall be provided. To support reduced parking requirements where standards require excessive parking, applicants are encouraged to submit parking analyses.

B. Consideration of Pedestrian Circulation

Parking area designs shall adequately consider pedestrian circulation to and from parking spaces. Design shall minimize the potential for vehicle-pedestrian conflicts and provide for safe maneuvering of all anticipated sizes of delivery vehicles.

C. Setbacks

Parking areas may be located not less than ten (10) feet from a lot line. A parking area shall be screened from adjacent properties by a 10' wide landscaped strip. Parking areas adjacent to residential properties shall be screened with fencing, plantings, or earthen berm, or combination thereof at least eight (8) feet in height.

D. Parking Landscape Strips

When parking areas are going to be visible from adjacent public roadways, a landscaping strip shall be installed to soften the appearance of parking areas. Plantings located at the end of parking lot isles, or near driveways, shall have a maximum height not exceeding 24" at maturity in order to maintain adequate sight distance and visibility.

E. Interior Pavement Landscape Strips

Interior Pavement Landscape Strips shall be provided to break up large expanses of pavement, provide summer shade on pavement areas and reduce wind velocity across exposed surface areas.

Location: The required Interior Pavement Landscape Strips shall be calculated as a minimum of five percent (5%) of the total area of paved drives, parking areas, etc. Interior Landscape Strips shall be required for all parking lots with more than one hundred (100) parking spaces. Interior Landscape Strips must be provided within the limits of parking and/or drive pavement area(s). The minimum landscaped island size shall not be less than two hundred fifty square feet (250 s.f.) in total area.

F. Alternative Pavement Materials

Though not required, applicants are encouraged, where appropriate in the opinion of the Planning Board, to use alternative pavement materials other than asphalt and concrete. Encouraged materials include brick, crushed stone, pea stone, stamped concrete, cobblestone, and other similar materials. For parking lots utilizing alternative surface treatments, a paved apron at least 20' in length, shall be constructed where parking areas access paved roadways.

G. Shared Parking Incentive Bonuses

When shared parking between separate land uses is feasible, the Planning Board, at its discretion, may reduce parking requirements for each land use which would participate in shared parking arrangements, provided that the peak parking demand of each land use does not occur during the same time periods. During the site plan review process, the Planning Board shall have the discretion to reduce parking requirements for all land uses which enter into common parking agreements up to 50% of parking requirements included in the zoning ordinance and/or site plan review regulations.

H. Rights-of-way to Abutting Parcels

To reduce congestion of streets and minimize traffic safety hazards, all developments with access to NH Route 3-A or subject to a Planning Board approved alternate access plan, at time of subdivision or site plan review, shall provide rights-of-way to abutting parcels for future interconnect of sites.

15.13 Signage Requirements

A. Permitted Sign Styles

Freestanding monument styles signs and wall signs shall be permitted in the Route 3-A Business Development District:

1. Monument Signs (Free Standing)
 - a. Dimensional Requirements: Free standing, or monument style signs, shall conform to the following standards:

Maximum Sign Area (In Square Feet)	Maximum Sign Height
48	8

b. A minimum of ten percent (10%) of the sign area shall be devoted to the identification of the building or center by name.

i. Location: Freestanding monument signs or directory signs shall be placed perpendicular to approaching vehicular traffic.

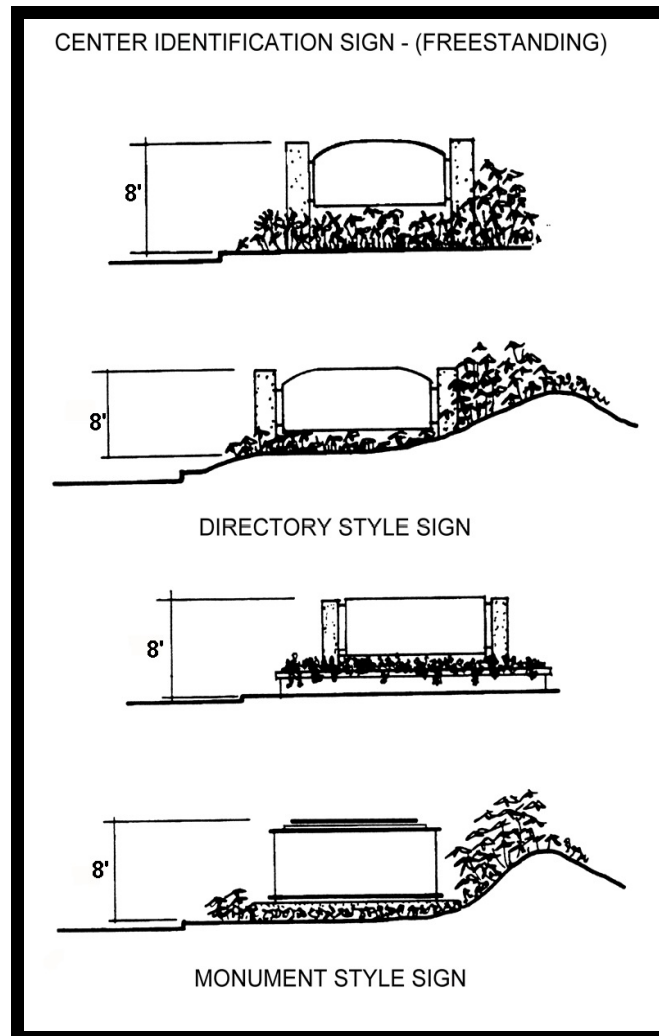
ii. Design: Freestanding monument signs shall be designed to generally conform with and be limited to styles presented in Figure 15-12. Such signs shall contain the following:

a. The identification of the business or center as a whole; and

b. Major tenant and street address range included within the center.

c. A freestanding sign shall be either a monument or directory type sign.

FIGURE 15-12: Design Requirements for Freestanding Monument Signs



iii. **Materials:** Free Standing or monument style signs shall be constructed of carved or painted wood, stone, or other masonry products.

iv. **Signage Landscape Strip:** A Signage Landscape Strip shall be constructed to re-establish ground cover where disturbed by sign installation and to screen the foundation of monument or pedestal signs without blocking the view of signage information.

a. **Location:** The Signage Landscape Strip shall be a minimum four foot (4') wide area surrounding each monument or pedestal sign base.

b. **Plantings:** All monument or pedestal sign bases shall be

planted with shrubs or ground cover with a minimum height and width of eighteen (18) inches at the time of planting.

c. Incentive Bonuses: Healthy vegetation that is preserved in the location of the Signage Landscape Area may be substituted for the required plantings.

c. One (1) free standing sign shall be permitted per lot or parcel. For lots at the intersections of Johnson Road, Dunklee Road, Tallwood Drive, Gordon Road, and Robinson Road with NH Route 3-A, a second free standing sign shall be permitted to identify a business area off of Route 3-A. The Planning Board may designate additional intersections for business area directory signs. The second sign shall be a directory sign with 20% of the area devoted to identification of the business area and spaces for a minimum of four businesses located in the business area. No one space on the directory sign shall exceed 25% of the permitted area of the sign. Only businesses on lots that do not have frontage on NH Route 3-A may advertise on such directory sign.

2. Wall, Hanging, and Eaveline Signs (Except for Signs Directly Painted to Structures):

a. Single Tenant Buildings

i. For commercial and industrial structures with only 1 tenant, the sign area, per building facade, shall not exceed 5% of the building face to which the sign applies, or fifty (50) square feet per building face, whichever is lesser. If additional sign area is required, the Planning Board may grant additional area, provided that the sign does not have negative impacts on abutting properties or detracts from the intended character of the Route 3-A Business Development District.

ii. Location: Wall, hanging, and eaveline signs shall be designed to be compatible with the predominant visual elements of the building and emphasize architectural elements of the building's facade.

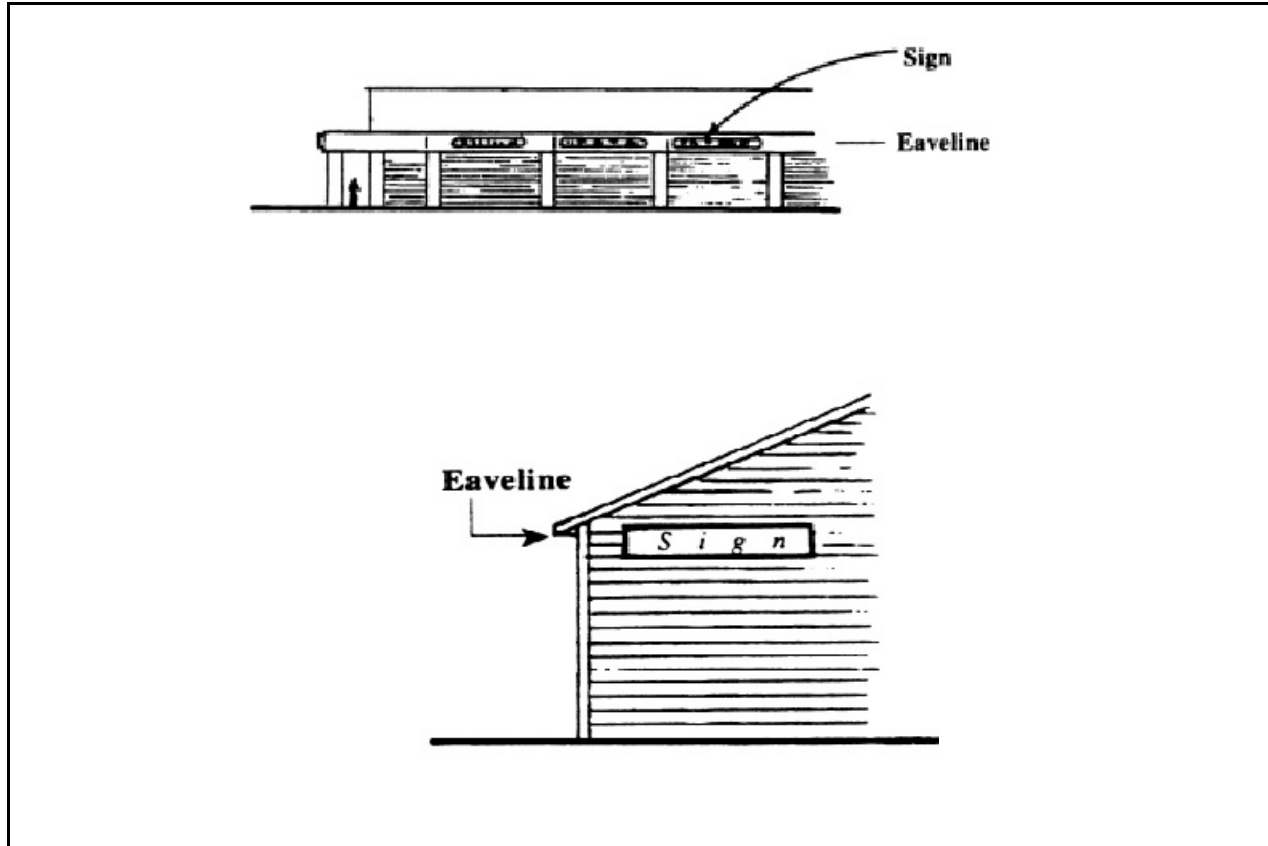
iii. Compatibility: Signs shall establish a visual continuity with adjacent building facades and should be oriented to emphasize pedestrian visibility.

iv. Individual Letter Height: Wall, hanging, and eaveline signs shall be limited to a maximum letter height of thirty (30) inches. The letter area, as it relates to the overall sign background area, shall be in proportion. In general, letters shall not occupy more than seventy-five percent (75%) of the sign panel area.

b. Multi-Tenant Buildings

- i. In the case of buildings with multiple business tenants, the following standards shall apply.
- ii. Number of Permitted Signs: Only one (1) sign per tenant shall be permitted.
- iii. Design Standards: All signs at a multi-tenant commercial or industrial structure shall be complementary to each other as follows:
 - a. Letter size and style of text;
 - b. Sign support method;
 - c. Sign area configuration;
 - d. Sign shape and proportion; and
 - e. Construction materials (text and background surfaces)
 - f. The use of back lit, individually cut, letter signs are encouraged.
- iv. Dimensional Requirements: In the case of multi-tenant buildings, all wall, hanging, and eaveline signs for each business shall not exceed twenty-four (24) square feet.
- v. Individual Letter Height: The height of all letters, logos, and insignias on wall, hanging, and eaveline signs for multi-tenant buildings shall not exceed one (1) foot. The letter area, as it relates to the overall sign background area, shall be in proportion. In general, letters shall not occupy more than seventy-five percent (75%) of the sign panel area.
- vi. Location: Wall and eaveline signs shall be located at the same height as the eaveline in accordance with examples included in Figure 15-13.

FIGURE 15-13: Required Location for Wall and Eaveline Signs



c. Prohibited Signs: Animated, moving, flashing, noise making, and painted wall signs are not permitted. All other types of prohibited signs in Article 8 of the Bow Zoning Ordinance are not permitted in the Business Development District. Wall and hanging signs above the eaveline are not permitted.

d. Lighting:

- i. Direct and indirect lighting methods are allowed provided that they are not unnecessarily bright.
- ii. Internally lit panels shall be opaque and only the lettering shall appear to be lighted.
- iii. Externally lit signs are encouraged.
- iv. Lighting methods must conform to Section 15.15: Lighting Standards.

15.14 Compliance with Performance Standards

A. Additions Less Than 50% of Gross Floor Area (GFA)

Additions to existing buildings which do not exceed in size fifty (50) percent of the floor area of the existing structure and which are constructed on continuous frost footings shall be designed so that at least twenty (20) percent of the exterior building surface of the combined structure is composed of one or more of the non-metal materials specified in Section 15.10. Non-metal materials shall be concentrated on the portions of the building which are visible from adjacent public rights-of-way and residential properties. Sites on which additions are constructed shall be brought into compliance with the requirements of this ordinance with regard to screening and landscaping.

B. Additions Greater than 50% of Gross Floor Area (GFA)

Additions which exceed fifty (50) percent of the floor area of the existing structure or which are not constructed on continuous frost footings shall be considered new buildings and shall comply with all requirements of this ordinance. For the purposes of this section, the size of successive additions to a structure shall be cumulative and shall be compared to the size of the structure in existence on the effective date of this ordinance.

15.15 Lighting Standards

A. Any lighting used to illuminate an off-street parking area, sign, or other structure, shall be arranged as to deflect light away from any adjoining properties or from the public streets. Direct or sky-reflected glare, where from floodlights or from high-temperature processes such as combustion or welding shall not be directed into any adjoining property.

B. In order to minimize glare and other adverse effects associated with exterior lighting, all exterior lighting fixtures shall be of a design that provides for luminaire cutoffs with a total cutoff at an angle of seventy- five degrees from the vertical. Further, all fixtures shall be positioned and/or installed in such a fashion as to prevent unwanted incidental illumination of abutting properties and streets. Any light or combination of lights which cast light on a public street shall not exceed one (1) foot-candle (meter reading) as measured from the centerline of said street. Any light or combination of lights, which cast light on residential property shall not exceed 0.1 foot candles (meter reading) as measured from said property.

C. Bare light bulbs shall not be permitted in view of adjacent property or public right-of-way.

D. All lighting fixtures shall be compatible to the architectural design of the proposed

structures and abutting land uses.

15.16 Environmental Performance Standards

A. General Provisions

1. Environmental performance standards specific to the Business Development District, enumerated herein, have been developed in order to protect the long term environmental quality and overall vitality of this District.
2. The variety of permitted uses, taken together with often intensive land use patterns and an inventory of environmental resources specific to this District, necessitates this series of environmental performance standards.
3. In addition to the provisions of this Article, development within this District shall also be subject to applicable local, state, and federal land use controls and regulations. The content of this Ordinance shall not be construed to imply relief from the requirements of state or federal statutes.

B. Performance Standards Related to Nuisance Odors

Uses and activities which produce continuous, regular, or frequent odors and/ or emissions, detectable beyond the boundary of the property from which the odor originates, shall be prohibited, in whole or in part, if the odor or emission in question is a known health risk or danger or if the Planning Board judges such odor or emission to be harmful to the rights of others to enjoy their property(s).

C. Performance Standards Related to Noise

1. Intent: The Performance Standards governing noise are intended to ensure that the rights of property owners, as well as the overall health and general welfare of the District, are not diminished by unreasonable noise levels generated within the District.
2. Maximum Permissible Sound Level: The maximum permissible sound level produced by any continuous, regular, or frequent source of sound or noise, produced by any permitted use or activity within this District, shall be established by the time period listed below. Sound pressure levels shall be measured at all lot lines, at a height of at least four feet above the ground surface.

	7 a.m. to 10 p.m.	10 p.m. to 7 a.m.
For Non-residential uses abutting residential properties	60 dB	50 dB
Non-residential uses abutting non-residential / vacant properties	70 dB	70 dB

The levels specified may be exceeded by 10 decibels for a single period, no longer than 15 minutes, in any one-day.

3. Sound or Noise Abatement: In order to comply with these maximum sound level requirements, sound or noise level abatement techniques may be used to mitigate levels of site generated sound or noise. To this end, modern acoustical technology may be applied to achieve compliance with these regulations.
4. If the ambient level of noise exceeds that permitted in Table noted in Section 15.16C2, the allowable noise exposure standard shall be the ambient noise level. The ambient level shall be measured when the alleged noise violation source is not operating.
5. Activities and Devices Exempt from Noise Performance Standards: The following activities and devices are exempt from the provisions of this section:
 - a. Warning devices necessary for the protection of public safety as for example police, fire, and ambulance sirens, and train horns.
 - b. Construction / demolition activities.
 - c. Stationary nonemergency signaling devices.
 - d. Emergency signaling devices.
 - e. Railway locomotives and cars.
 - f. Motor vehicles on public rights-of-way.
6. Vibration: In the Business Development District, no use of land shall be conducted so as to create earthborne vibrations on the boundary property line that exceed the displacement contained in the following table:

Frequency in Cycles per Second	Displacement in Inches
0 to 10	0.001
10 to 20	0.0008
20 to 30	0.0005
30 to 40	0.0004
40 and Over	0.0003

D. Performance Standards Related to the Protection of Wetlands

All provisions of Article 10.01: Wetlands Conservation District of the Bow Zoning Ordinance shall apply to all areas within the Business Development District.

E. Performance Standards Related to Aquifer Areas

Developments proposed within the District shall conform to Article 10, Section 10.03: "Aquifer Protection (AP) District.

15.17 Waivers

A. Where the Planning Board finds practical difficulties or unnecessary expense would result from strict compliance with the foregoing ordinance or the overall purpose of these regulations would be served even if some requirements are not strongly adhered to or foregone, the Board may approve waivers to the performance standards within this ordinance. The Planning Board, however, does not have the authority to waive or modify permitted uses or minimum lot size requirements.

B. The purpose of granting waivers under provisions of these regulations shall be to ensure that the applicant is not unduly burdened by said regulations. Strict conformance to these regulations as presented may not be necessary or practical in all cases and circumstances. The Board shall not approve any waiver(s) unless a majority of those present and voting shall find that:

1. The granting of the waiver will not be detrimental to the public safety, health, or welfare or cause injury or damage to other property, or fail to promote public interest;
2. The waiver will not, in any manner, vary the provisions of the Town of Bow Master Plan;
3. Such waiver(s) will substantially ensure that the goals, objectives, standards, and requirements of this ordinance are not compromised;
4. The requirement is not appropriate or reasonable due to the size and scale of

the proposed project; and/or,

5. A particular natural features which may impact feasibility or cause excessive cost, as determined by the Board, including:

- a. Topography
- b. Existing site features
- c. Geographic location of the property
- d. Size and/or magnitude of the project being evaluated

C. In approving waivers, the Board may impose such conditions, as it deems appropriate to secure substantially the objectives of the standards or requirements of these regulations.

D. A request for any and all waivers from any of the foregoing regulations or requirements shall be submitted in writing by the applicant along with the application for Subdivision or Site Plan review. Where neither Subdivision, nor Site Plan Review, is required, an applicant may submit requests for waivers by Conditional Use Permit application. Requests for waiver(s) shall state the reason for the waiver by addressing items set forth in Sections 15.17B1 through 15.17B5.

15.18 Effective Date

This ordinance shall become effective upon adoption.

The ordinance was initially adopted on March 13, 2001.

The ordinance was amended May 9, 2006 to revise section 15.13 A.2.a & b to add provisions for hanging signs.

The ordinance was amended May 13, 2008 to revise section 15.13 A.1.c for free standing signs and business directory signs.

The ordinance was amended March 13, 2012 to revise section 15.17 D to permit waiver requests to be submitted by CUP.

The ordinance was amended March 12, 2013 to revise the Performance Standards and Requirements for sections 15.09 Landscaping and Screening, 15.10 Building Facade, 15.11 Screening, and 15.12 Parking.

